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STATE DOCUMENTS

# REPLY

OF

## GOV. EDWIN L. NORRIS

TO THE

### Committee of Progressive Republican Voters

RELATIVE TO THE

Calling of a Special Session of the Legislative  
Assembly for the Passage of a  
Direct Primary Bill.

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1912

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Executive Office,  
Helena, Montana.

April 17, 1912.

To Hon. Thomas M. Everett, Chairman, and Members of the  
Committee of Progressive Republican Voters:

Gentlemen:

The resolutions adopted at a meeting of the Progressive Republican voters of the State, held in Helena on April 11, and by you presented to me on April 12, have been read and given earnest consideration. In these resolutions I am requested to convene the Legislative Assembly in extraordinary session:

First: To enact into law the direct primary bill drafted by the Primary Commission appointed by me;

Second: To enact into law a presidential preference primary bill.

It will not be questioned that no good purpose could be served by the calling of a special session of the Assembly unless there were some reasonable assurance that favorable action upon the bills referred to would result.

It must be borne in mind that there have been no changes in the Assembly since the Twelfth regular session, except those wrought by death. The record made by the Assembly, as at present constituted, does not tend to give any assurance whatever that a primary bill or bills would be enacted at a special session, nor does my information concerning the attitude of a majority of the Senate give any good ground for hope in this particular.

In my message to the Twelfth Assembly on January 3, 1911, I urgently recommended the enactment of legislation providing for the nomination of all elective officers, inclusive of United States Senators, at primary elections. In a special message submitted to the Assembly on February 14, 1911, I again urged the enactment of a primary law and other legislation, and on February 25, 1911, once more urged that my recommendations be complied with. By this time my insistence in line with what I conceived to be my duty had aroused considerable resentment on the part of many members of the Assembly. In fact information came to me that certain legislators were in private conversations advocating the passage of a resolution requesting me to "attend to my own business and let the Legislature alone." However no such resolution was introduced.

Following is a brief summary of the record made by the Twelfth Assembly relative to primary legislation:

#### In the House.

House Bill No. 1.—January 4.—Representative Byrnes of Lewis and Clark introduced H. B. No. 1, providing for a primary system very similar to the one in force in Wisconsin. This was the only comprehensive and satisfactory primary bill introduced in either house during the Twelfth Session.

January 25.—H. B. No. 1 passed House by vote of 66 to 3, and was transmitted to the Senate.

#### In the Senate.

January 26.—H. B. No. 1 read and referred to committee.

February 10.—H. B. No. 1 reported back by committee and referred to joint conference committee.

February 27.—S. B. No. 200 was introduced as a substitute for H. B. No. 1; and thus ended the Byrnes primary bill.

#### In the Senate.

Senate Bill No. 2.—January 3.—Senator Everett introduced S. B. No. 2, this providing a primary system similar to that then in force in Iowa. Shortly thereafter the Legislature of Iowa amended that State's law, incorporating the main features of the Oregon system. This bill, however, was vetoed by Governor Carroll, so that the old law, upon which Senator Everett's bill was modeled, is still in force in Iowa. This is the primary system that was criticized by Colonel Roosevelt in a speech at Creston, Iowa, on yesterday.

February 1.—S. B. No. 2 passed Senate by vote of 16 to 12 and was transmitted to the House.

#### In the House.

February 2.—S. B. No. 2 read and referred to committee.

#### In the Senate.

February 9.—Senate by Senate Concurrent Resolution No. 3 requested that H. B. No. 1, then in the Senate, and S. B. No. 2, then in the House, be referred to a joint conference committee.

#### In the House.

February 10.—House adopted Senate Concurrent Resolution No. 3. A joint conference committee consisting of Senators Everett, Burlingame and Muffy, and Representatives Byrnes, Moore and Hays was appointed.

February 21.—Despite the fact that S. B. No. 2 was in the hands of the joint conference committee, Senate requested House to return S. B. No. 2 to the Senate for correction. House complied with request and this is the last appearance of S. B. No. 2, the Everett primary bill.



### In the Senate.

February 27.—Conference committee recommended S. B. No. 200 as a substitute for H. B. No. 1 and S. B. No. 2. This bill was read and referred to committee.

February 28.—S. B. No. 200 laid on the table by vote of 16 to 10.

March 1.—Motion to reconsider the vote whereby S. B. No. 200 was laid on the table defeated by vote of 15 to 12. This was the final interment by the Senate of Senate Substitute for H. B. No. 1 and S. B. No. 2.

### In the House.

February 21.—Majority of joint conference committee recommended a substitute for H. B. No. 1 and S. B. No. 2, which was H. B. No. 427. This bill related solely to the election of United States Senators, and became a law. It follows in part the Oregon system of electing Senators, but their nomination is made by the convention system as heretofore. The measure is a good one so far as it goes, but is defective in that it continues the convention system of making nominations instead of including the primary nominating principle.

From the foregoing it clearly appears that there was no lack of consideration of primary legislation on the part of the Legislature; that the Legislature had every opportunity to enact such legislation had it been so inclined, and that there were deliberate, painstaking and successful efforts to defeat all primary legislation.

Following the adjournment of the Assembly I consulted with the leading advocates of a primary system in different portions of the State, and the consensus of opinion expressed was that a special session of the Legislature was not advisable unless the written pledges of a majority of the members in both Senate and House could first be secured in behalf of some specific measure; and the further suggestion was made that I appoint a commission to draft such a bill and endeavor to secure the written pledges of the legislators.

On May 12, 1911, I appointed Senators Stout, McCone and Everett, and Representatives Law, Kirschwing and Tolman—all of whom were known to be not only verbal advocates of primary legislation but to have shown by their votes that they were in favor of such legislation—as members of a Direct Primary Commission, and requested that commission to draft a bill which in its judgment would most nearly conform to the opinions of a majority of the members of Senate and House. Thus the commission was virtually “packed” in the hope that thereby a favorable result might be secured.

A primary bill modeled closely upon the Oregon system was agreed upon and drafted by the commission. Printed copies of

this bill were mailed to each member of the Legislative Assembly. The secretary of the commission, Mr. Law, was requested to communicate with each legislator and, if possible, secure a written pledge to vote for the bill in the event of the calling of a special session of the Assembly.

Mr. Law informs me that after repeated efforts he has succeeded in securing pledges from a majority of the members of the House and from eleven members of the Senate, as follows: Senators Duncan, Everett, George, Groff, Larson, Leary, McCone, McCarthy, Meyer, Stout and Sykes.

At the time of the appointment of the commission I publicly announced that upon the securing of the written pledges of a majority of members of each branch of the Assembly to support the commission's bill I should convene the Legislature in special session. So far the necessary pledges on the part of the Senate have not been given.

In this connection it is not without interest to note the financial condition of the State at this time. The last Legislative Assembly made appropriations to the amount of \$3,783,602.50. The revenues and cash available for the present biennial period amount to the sum of \$3,425,439, leaving a deficit of \$358,163.50. The State Board of Examiners has found it necessary to suspend appropriations to the amount last named. A special session would cost at least \$10,000, and possibly a much larger sum, depending upon the duration of the session. The Governor may call, but cannot adjourn the Assembly, and therefore cannot regulate its cost.

Any sum expended by reason of a special session would necessitate further suspensions of appropriations, and I know of no place where further suspensions could be made without serious detriment to the public service. In view, however, of the importance of primary legislation, I shall not hesitate to call a special session and incur the incident expense when there is any reasonable assurance that by so doing a satisfactory primary law would be obtained.

It has been suggested that the change in public sentiment since the Twelfth Session has had its influence upon the Senate to such an extent as to make the passage of the desired legislation a reasonable certainty. I do not in the least question the assertion that a decided majority of the people favor the enactment of a primary law, and that public sentiment in that behalf has possibly become more pronounced within the past year; but, so far, that public sentiment has not affected the position of the Senators whose votes are necessary to secure the enactment of a primary law. This may readily be ascertained by consulting the Senate Journal of the Twelfth Session and the pledges filed with the secretary of the commission.



Your attention is also directed to the fact that the question of calling a special session of the Assembly for the enactment of primary legislation was carefully considered by Acting Governor Allen during the month of December, last. The Acting Governor, after full consideration and investigation, declined to issue a call for a special session, the information obtained by him conforming to that received by me.

For the foregoing reasons, the request for the convening of the Legislative Assembly in special session is denied.

That there may be no misunderstanding of my position, I again announce that I will convene the Assembly in special session whenever three Senators in addition to those now pledged shall have executed a written promise to support the bill prepared by the Primary Commission.

If the necessary pledges are made on or before May 1, next, I will call a special session to enact both the primary bill and the presidential preference bill. If the last named measure is to be available to the voter this year it is necessary that the call for a special session be issued not later than the first of May. But there will thereafter be ample time for the enactment of a general primary bill that may be effective this year, and I stand ready at any time on or before July 20, next, to summon the Assembly in special session for the passage of the primary measure drafted by the commission appointed by me (or any other fair, workable primary law that may be agreed upon by a majority of both houses), if the pledges of three additional Senators be secured on behalf of such bill. Without such assurance of favorable action, it does not seem the part of wisdom to convene the lawmakers in extraordinary session.

If advocates of primary measures will devote their efforts to securing the three additional pledges referred to, they may succeed where the primary commission and I have failed, and thereby insure the calling of the Legislature in special session and the enactment of the desired primary legislation.

Yours very truly,

EDWIN L. NORRIS,

Governor.

Executive Office, Helena, Montana.

April 18, 1912.

To Hon. Thomas M. Everett, Chairman, and Members of the  
Committee of Progressive Republican Voters.  
Gentlemen:

Since mailing my letter of the seventeenth instant, relative to the calling of a special session of the Legislative Assembly, I have been advised by Representative B. B. Law, Secretary of the Direct Primary Commission, that an error was made in the telephonic transmission of the number of Senators who have pledged themselves to vote for a direct primary bill if summoned in extraordinary session.

In transmitting the list the name of Senator Christopher was omitted; so that, as the matter stands at present, there are twelve pledges—eleven written and one verbal—instead of a total of eleven, as stated in my letter of yesterday.

I regret that the error occurred, and in justice to Senator Christopher and to keep the record straight hasten to advise you regarding the matter.

It follows, of course, that the number of pledges remaining to be secured is two instead of three, as stated in my letter of the seventeenth.

Yours truly,

EDWIN L. NORRIS,

Governor.



